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June 10, 2016

Via ECF

Honorable Jack B. Weinstein, U.S.D.J.
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Zhirzhan, et al. et al v. AGL Industries, Inc., et al.
Case No. 14-CV-7567 (JBW)(PK)
MLLG No.: 2-2015

Dear Judge Weinstein:

This firm represents defendants, Defendants, AGL Industries, Inc., Dominick Lofaso, Frank Lofaso, and Santo Lofaso ("AGL Defendants") in the above-referenced matter. I write on behalf of all parties.

The parties have reached an agreement in principle to resolve all claims.

Under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), court approval is required to dismiss claims under the Fair Labor Standards Act ("FLSA"). However, Cheeks does not require approval by the Court to dismiss any other claims. Accordingly, the parties intend on seeking approval by the Court of only Plaintiffs' FLSA claims, and not for Plaintiffs' claims for breach of contract, quantum meruit and unjust enrichment, and various claims under the New York Labor Law. See Abrar v. 7-Eleven, Inc., 2016 U.S. Dist. LEXIS 50416 (E.D.N.Y. Apr. 14, 2016) (permitting the parties to proceed with a bifurcated settlement structure pursuant to which the parties would file with the Court a settlement agreement with respect to the FLSA claim for the Court's approval as fair and reasonable under Cheeks and execute a separate settlement agreement of the non-FLSA claims which would remain confidential and would not require the Court's approval under Cheeks).

Respectfully submitted,

/s/ Jamie S. Felsen

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cc: Peggy Kuo, U.S.M.J. (via ECF)
All Counsel of Record (via e-mail)